

19 September 1969

MEMORANDUM FOR THE RECORD

Morning Meeting of 19 September 1969

Godfrey pointed to an FBI report noting that one of the products of the recent Chou/Kosygin conversation was an agreement to meet on their common border problem. In response to Godfrey's question the Director concurred in using this item in publications.

Godfrey pointed to a scheduled large Soviet air exercise involving participation by Poland, East Germany, and Czechoslovakia.

DD/ONE reported that USIB representatives have completed their work on NIE 11-3 and that this Estimate will be before USIB on 25 September.

Carver noted that, except for the attention being given to the Green Beret case, Vietnam was relatively quiet. Maury noted the possibility that Edward Bennett Williams may represent Colonel Rheault.

Maury briefed on his conversation with Bill Woodruff with respect to Senator Cooper's amendment to the Defense procurement bill. In this connection, Maury called attention to the piece by John Finney in today's New York Times, "Study of U. S. Role In Laos Demanded."

Maury briefed on the request of Roland Paul of the Symington Subcommittee staff for detailed data on the number of citizens that have been or would be killed in the event of a Communist takeover in various countries including Communist China, Vietnam, and elsewhere. Following considerable discussion the Director noted that he will meet with Maury on this matter.

Maury related that he was in touch with [] NSA General Counsel, concerning the questions NSA may be faced with during their scheduled appearance before the Symington Subcommittee of the Senate Foreign Relations Committee []

[] reported on pressures being exerted by Pincus and Paul, and

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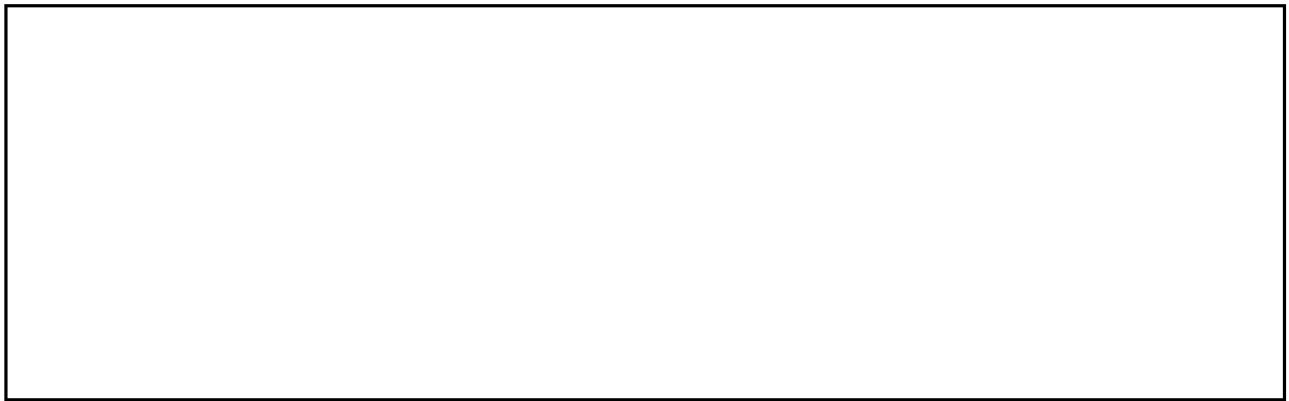
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the Director indicated that, in the last analysis, the substance of the testimony will be determined by Admiral Gaylor, Director of NSA.

Bross reported that he is having lunch with Admiral Gaylor today at the Admiral's invitation.

DD/P reported on Der Spiegel's plans to publish a survey of the history of various intelligence services. DD/P added that he anticipates coverage of CIA.

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RESOR DISCUSSES PRESSURE IN CASE

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were five levels of appeal and review, if any of the Geen Bererts should be convicted.

It is understood that the decision not to seek the death penalty was partly because of a growing national feeling against capital punishment and partly because the Uniform Code of Military Justice requires a court-martial board to impose either the death sentence or life imprisonment if any military man is found guilty of "premeditated murder." The officers making up the board, it was felt, might be reluctant to return a guilty plea if no lesser punishment were permitted.

At least six of the officers will be tried under a lesser charge of "intent to kill." This permits wide leeway on the sentence.

Article 118 of the Uniform Code details four different murder charges: premeditated murder; intent to kill or inflict great bodily harm; wanton disregard of human life while engaged on a dangerous mission; murder while engaged in some other crime, such as burglary, arson or rape.

Charges 'in Abeyance'

Charges against two remaining men, Chief Warrant Officer Edward M. Boyle and Sgt. Alvin L. Smith Jr., will be "held in abeyance" pending the other trials.

Sergeant Smith set off the investigation when he went to agents of the Central Intelligence Agency in Nhatrang, South Vietnam, in late June, telling of the alleged killing and asking for protection against possible retribution.

Chief Warrant Officer Boyle, the first of the men taken into custody in the ensuing Army inquiry, is said to have cooperated with the investigation.

Military sources say he drove the truck containing three Special Forces officers and a large, weighted canvas sack to dockside in Nhatrang. It is alleged that the sack contained Mr. Chuyen's body and that it was dropped into the South China Sea. An extensive search has failed to turn up a body.

Lesser Counts Possible

Maj. Gen. G. L. Mabry Jr., head of the investigation, is said to have recommended immunity for these two men. But by holding open this question, the Army remains free to bring lesser charges if the trials produce incriminating evidence against them.

Two trials are foreseen, involving three officers in each. The Army said it would be ready with its case in three weeks, but officials said that defense lawyers could seek a delay to prepare their case.

The first case would involve Capt. Leland J. Brumley, Capt. Robert F. Marasco and Capt. Budge E. Williams. Military sources said that these three are alleged to have actually participated in the murder and the disposal of the body.

The second case would include as defendants Col. Robert B. Rheault, commander of Special Forces in Vietnam at the time of the alleged murder, and Maj. David E. Crew and Maj. Thomas C. Middleton, Jr. they are said to have been aware of the alleged plan to dispose of the double agent.

Presence Not Required

Military law does not require that a man be present at a murder to be found guilty of that charge, so long as he played a central role in planning or approving plans for the killing.

As pieced together from sometimes conflicting military and C.I.A. sources, this is what happened:

Starting early this year, the team of Vietnamese agents handled by Mr. Chuyen in spying missions in Laos began to fall apart. Some men were killed, others quit. Some members of the team passed the word that their leader was believed to be "sympathetic to the Vietcong."

Subsequently, on a military raid on an enemy base camp, a photograph turned up showing Mr. Chuyen with two or three known "middle-level" agents of the central headquarters of the Vietcong in South Vietnam.

The man was apprehended and he was given two or more lie detector tests. Sources say that the tests convinced the Special Forces that the man was a double agent.

A Check With Saigon

On either June 10 or June 12, the Special Forces made contact with a C.I.A. man at Nhatrang, outlined their case and asked whether the agency had a "safe haven," in or out of South Vietnam, where the man could be held and where he could not be reached by agents either of the Vietcong or of South Vietnamese intelligence.

They explained that since the man was involved in a "unilateral" operation, without the knowledge of the South Vietnamese, they did not want to take the risk that the details of his mission or the names of his agents might fall into unauthorized hands. The C.I.A. man said he would check with his superiors in Saigon.

Army to Try 6 of 8 Berets In Vietnam Murder Case

Action on 2 in Abeyance

By **TERENCE SMITH**

Special to The New York Times

SAIGON, South Vietnam, Sept. 18—The army announced tonight that it would try six of the eight Special Forces soldiers who were arrested two months ago in connection with the alleged murder of a Vietnamese agent.

In a statement the Army said that charges against the two other arrested men—a chief warrant officer and a sergeant—would be held in abeyance pending the outcome of the other trials.

The six include Col. Robert B. Rheault, former Commanding officer of the 3,000-man group of the Special Forces, or Green Berets, in South Vietnam. They will be court-martialed on charges of murder and conspiracy to commit murder.

The Army's brief statement said that the cases would be treated as "not capital." A spokesman said that this eliminated the death penalty and that the maximum possible sentence in all the cases would be life imprisonment.

All eight men are in custody at the United States Army Headquarters in Longbinh, 18 miles north of Saigon.

The six will be tried in two groups of three, beginning with three who are captains. A second court-martial will be held for the two majors and Colonel Rheault. The Army said it

Resor Tells of Pressure

By **WILLIAM BEECHER**

Special to The New York Times

WASHINGTON, Sept. 18—Secretary of the Army Stanley R. Resor said today that he had rejected strong pressures to remove the Green Berets case from the jurisdiction of the military command in Saigon. He also said he had been under pressure to dismiss charges of murder and conspiracy against the soldiers.

To have acceded to these pleas, he said in a statement, would have been "unwise and unfair."

Mr. Resor, a lawyer, insisted that a full, fair and open trial would be held, with closed-door testimony only on those matters that are highly classified. The alleged victim, Thai Khac Chuyen, was believed to have been an enemy agent while working for the Special Forces, or Green Berets, in covert operations in Laos.

The case is expected to shed light on the shadowy world of intelligence operations, specifically on what American agents may and may not do in the name of expediency.

Knowledgeable sources said that the pressures on Mr. Resor had come not only from a number of congressmen, but also from some high-ranking military men and attorneys representing some of the defendants.

The Secretary went to some pains to point out that there

STUDY OF U.S. ROLE IN LAOS DEMANDED

Cooper Bids Senate Inquire Whether American Forces Are Committed to Combat

By **JOHN W. FINNEY**

Special to The New York Times

WASHINGTON, Sept. 18—

Senator John Sherman Cooper called today for an investigation by the Senate Foreign Relations and Armed Services Committees to determine whether American forces were already committed to combat in Laos.

The State Department declined to confirm or deny a report from Vientiane published in The New York Times today to the effect that United States Air Force planes had furnished air support to royal Laotian forces in a successful offensive against Communist-held positions in northeastern and central Laos.

The report describing American military support of the recent offensive was published a day after the Senate had unanimously approved an amendment to a military-authorization bill—an amendment designed to prevent United States forces from becoming involved in combat in Laos or neighboring Thailand.

The coincidence had the effect of opening up for critical Senate examination the long-secret American military involvement in the war in Laos.

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THE NEW YORK TIMES, FRIDAY, SEPTEMBER 19, 1969

Cooper Calls for Senate Inquiry Into Report of U.S. Combat Role in Laos War

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which has been going on since the breakdown of the 1962 Geneva agreement designed to insure the neutrality of that country.

Senator Cooper, the author of the amendment, made a statement on the Senate floor today requesting that the two committees look into a situation that he described as "a matter of the most serious concern." The Kentucky Republican noted that the pattern of events described in the report from Vientiane "shows a very striking similarity to the way we became involved in the war in Vietnam."

The request is certain to be heeded. On the basis of the request, it was understood, Senator John Stennis, chair-

man of the Armed Services Committee, has already submitted inquiries to the Pentagon on the extent of American military involvement in Laos.

In the course of the debate yesterday on the Cooper amendment, Senator Stennis said in response to questions that he knew nothing about American involvement in combat in Laos or Thailand.

"There might be some skirmishes or something like that going on," the Mississippi Democrat said. "But it is not anything that has been recognized that I know anything about."

There was a feeling among influential Senators that they had been uninformed or even misled by the State and Defense Departments.

Such members of the For-

eign Relations Committee as Senator Mike Mansfield, the majority leader, Senator Albert Gore, Democrat of Tennessee, and Senator Cooper said that in secret briefings of the committee they had never been informed of a United States combat role in the Laotian war. The committee was briefed early in August by Winthrop Brown, Deputy Assistant Secretary of State for East Asian and Pacific Affairs.

Senator Gore said the activities reported from Vientiane "illustrate, dangerously so, the extent to which the military establishment has been making the foreign policy of the United States."

As Senator Mansfield observed, it has long been common knowledge that American planes have been bombing infiltration routes into South Vietnam. But the new report from Vientiane suggested that American planes were providing tactical support to the Laotian troops fighting the Communist Pathet Lao forces.

If American planes are being used in a combat role, Mr. Mansfield suggested, such a step would run counter to the spirit of not only the Cooper amendment but also of the Senate's recent national commitments resolution, calling on the Executive branch not to commit American forces to foreign hostilities without the approval of Congress.

Talking with reporters, the Montana Democrat said he knew of no legal authority for committing American forces to combat in Laos, although he pointed out that if the Executive branch was "looking for a technicality," it could point out that North Vietnamese troops had not withdrawn from Laos as called for under the 1962 agreements.

The most that the State Department spokesman, Carl Bartch, was willing to say at the daily press briefing was that "we have military personnel in Laos but there are no combat troops."

Asked whether air combat units might be there or whether Air Force units stationed in Thailand were flying combat missions over Laos, he had no comment.

Mr. Bartch acknowledged, as the department had previously, that American planes were flying reconnaissance missions over Laos at the request of her Government. Those planes, he said, were authorized to defend themselves and were accompanied by armed escort.

He declined to define what constituted defensive action or to say whether the escort planes were authorized to undertake preemptive strikes against anti-aircraft positions.